

Suspend the Rules and Pass the Bill, H.R. 2903, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

112TH CONGRESS
2D SESSION

H. R. 2903

To reauthorize the programs and activities of the Federal Emergency Management Agency.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2011

Mr. DENHAM (for himself, Ms. NORTON, and Mr. HANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reauthorize the programs and activities of the Federal Emergency Management Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FEMA Reauthorization Act of 2012”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—REAUTHORIZATION OF FEMA AND MODERNIZATION OF
INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

- Sec. 101. Reauthorization of Federal Emergency Management Agency.
- Sec. 102. Integrated Public Alert and Warning System Modernization.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

- Sec. 201. Reauthorization of urban search and rescue response system.
- Sec. 202. Reauthorization of emergency management assistance compact grants.
- Sec. 203. Disposal of excess property to assist other disaster survivors.
- Sec. 204. Storage, sale, transfer, and disposal of housing units.
- Sec. 205. Other methods of disposal.
- Sec. 206. Establishment of criteria relating to administration of hazard mitigation assistance by States.
- Sec. 207. Review of regulations and policies.
- Sec. 208. Appeals process.
- Sec. 209. Implementation of cost estimating.
- Sec. 210. Tribal requests for a major disaster or emergency declaration under the Stafford Act.
- Sec. 211. Individual assistance factors.
- Sec. 212. Public assistance pilot program.
- Sec. 213. Public assistance debris removal procedures.
- Sec. 214. Use of funds.
- Sec. 215. Reduction of authorization for emergency management performance grants.
- Sec. 216. Technical correction.
- Sec. 217. National Dam Safety Program Act reauthorization.

1 **TITLE I—REAUTHORIZATION OF**
2 **FEMA AND MODERNIZATION**
3 **OF INTEGRATED PUBLIC**
4 **ALERT AND WARNING SYS-**
5 **TEM**

6 **SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY**
7 **MANAGEMENT AGENCY.**

8 Section 699 of the Post-Katrina Emergency Manage-
9 ment Reform Act of 2006 (6 U.S.C. 811) is amended to
10 read as follows:

1 **“SEC. 699. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title and the amendments made by this title for the
4 salaries and expenses of the Agency—

5 “(1) for fiscal year 2012, \$1,031,378,000, in-
6 cluding amounts transferred from grant programs;

7 “(2) for fiscal year 2013, \$1,031,378,000, in-
8 cluding amounts transferred from grant programs;
9 and

10 “(3) for fiscal year 2014, \$1,031,378,000, in-
11 cluding amounts transferred from grant programs.”.

12 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
13 **TEM MODERNIZATION.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Integrated Public Alert and Warning System Moderniza-
16 tion Act of 2012”.

17 (b) **INTEGRATED PUBLIC ALERT AND WARNING SYS-**
18 **TEM MODERNIZATION.**—

19 (1) **IN GENERAL.**—To provide timely and effec-
20 tive disaster warnings under this section, the Presi-
21 dent, acting through the Administrator of the Fed-
22 eral Emergency Management Agency, shall—

23 (A) modernize the integrated public alert
24 and warning system of the United States (in
25 this section referred to as the “public alert and
26 warning system”) to ensure that the President

1 under all conditions is able to alert and warn
2 governmental authorities and the civilian popu-
3 lation in areas endangered by disasters; and

4 (B) implement the public alert and warn-
5 ing system.

6 (2) IMPLEMENTATION REQUIREMENTS.—In car-
7 rying out paragraph (1), the Administrator shall,
8 consistent with the recommendations in the final re-
9 port of the Integrated Public Alert and Warning
10 System Advisory Committee (established under sub-
11 section (c))—

12 (A) establish or adopt, as appropriate,
13 common alerting and warning protocols, stand-
14 ards, terminology, and operating procedures for
15 the public alert and warning system;

16 (B) include in the public alert and warning
17 system the capability to adapt the distribution
18 and content of communications on the basis of
19 geographic location, risks, or personal user
20 preferences, as appropriate;

21 (C) include in the public alert and warning
22 system the capability to alert and warn, and
23 provide the equivalent amount of information to
24 individuals with disabilities and individuals with
25 access and functional needs;

1 (D) ensure that training, tests, and exer-
2 cises are conducted for the public alert and
3 warning system and that the system is incor-
4 porated into other training and exercise pro-
5 grams of the Department of Homeland Secu-
6 rity, as appropriate;

7 (E) establish and integrate into the Na-
8 tional Incident Management System a com-
9 prehensive and periodic training program to in-
10 struct and educate Federal, State, Tribal, and
11 local government officials in the use of the
12 Common Alerting Protocol enabled Emergency
13 Alert System;

14 (F) conduct, at least once every 3 years,
15 periodic nationwide tests of the public alert and
16 warning system; and

17 (G) ensure that the public alert and warn-
18 ing system is resilient, secure, and can with-
19 stand acts of terrorism and other external at-
20 tacks.

21 (3) SYSTEM REQUIREMENTS.—The public alert
22 and warning system shall—

23 (A) incorporate multiple communications
24 technologies;

1 (B) be designed to adapt to, and incor-
2 porate, future technologies for communicating
3 directly with the public;

4 (C) to the extent technically feasible, be
5 designed to provide alerts to the largest portion
6 of the affected population, including non-
7 resident visitors and tourists and individuals
8 with disabilities and access and functional
9 needs, and improve the ability of remote areas
10 to receive alerts;

11 (D) promote local and regional public and
12 private partnerships to enhance community pre-
13 paredness and response;

14 (E) provide redundant alert mechanisms if
15 practicable so as to reach the greatest number
16 of people regardless of whether they have access
17 to, or utilize, any specific medium of commu-
18 nication or any particular device; and

19 (F) include a mechanism to ensure the
20 protection of individual privacy.

21 (4) IMPLEMENTATION PLAN.—Not later than
22 180 days after the date of submission of the report
23 of the Integrated Public Alert and Warning System
24 Advisory Committee, the Administrator shall submit
25 to the Committee on Transportation and Infrastruc-

1 ture and the Committee on Homeland Security of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate a detailed plan to implement the public alert
5 and warning system. The plan shall include a
6 timeline for implementation, a spending plan, and
7 recommendations for any additional authority that
8 may be necessary to fully implement this subsection.

9 (5) MAXIMUM FUNDS.—The Administrator may
10 use not more than \$13,287,000 of the amount made
11 available pursuant to section 699 of the Post-
12 Katrina Emergency Management Reform Act of
13 2006 (6 U.S.C. 811) for each of fiscal years 2012,
14 2013, and 2014 to carry out the provisions of this
15 section.

16 (c) INTEGRATED PUBLIC ALERT AND WARNING SYS-
17 TEM ADVISORY COMMITTEE.—

18 (1) ESTABLISHMENT.—Not later than 90 days
19 after the date of enactment of this Act, the Adminis-
20 trator of the Federal Emergency Management Agen-
21 cy shall establish an advisory committee to be known
22 as the Integrated Public Alert and Warning System
23 Advisory Committee (in this subsection referred to
24 as the “Advisory Committee”).

1 (2) MEMBERSHIP.—The Advisory Committee
2 shall be composed of the following members (or their
3 designees) to be appointed by the Administrator as
4 soon as practicable after the date of enactment of
5 this Act:

6 (A) The Chairman of the Federal Commu-
7 nications Commission.

8 (B) The Administrator of the National
9 Oceanic and Atmospheric Administration of the
10 Department of Commerce.

11 (C) The Assistant Secretary for Commu-
12 nications and Information of the Department of
13 Commerce.

14 (D) Representatives of State and local gov-
15 ernments, representatives of emergency man-
16 agement agencies, and representatives of emer-
17 gency response providers, selected from among
18 individuals nominated by national organizations
19 representing governments and personnel.

20 (E) Representatives from federally recog-
21 nized Indian tribes and national Indian organi-
22 zations.

23 (F) Individuals who have the requisite
24 technical knowledge and expertise to serve on

1 the Advisory Committee, including representa-
2 tives of—

3 (i) communications service providers;

4 (ii) vendors, developers, and manufac-
5 turers of systems, facilities, equipment,
6 and capabilities for the provision of com-
7 munications services;

8 (iii) third-party service bureaus;

9 (iv) the broadcasting industry;

10 (v) the national organization rep-
11 resenting the licensees and permittees of
12 noncommercial broadcast television sta-
13 tions;

14 (vi) the cellular industry;

15 (vii) the cable industry;

16 (viii) the satellite industry; and

17 (ix) national organizations rep-
18 resenting individuals with disabilities and
19 access and functional needs and national
20 organizations representing the elderly.

21 (G) Qualified representatives of such other
22 stakeholders and interested and affected parties
23 as the Administrator considers appropriate.

24 (3) CHAIRPERSON.—The Administrator shall
25 serve as the Chairperson of the Advisory Committee.

1 (4) MEETINGS.—

2 (A) INITIAL MEETING.—The initial meet-
3 ing of the Advisory Committee shall take place
4 not later than 120 days after the date of enact-
5 ment of this Act.

6 (B) OTHER MEETINGS.—After the initial
7 meeting, the Advisory Committee shall meet at
8 the call of the Chairperson.

9 (C) NOTICE; OPEN MEETINGS.—Meetings
10 held by the Advisory Committee shall be duly
11 noticed at least 14 days in advance and shall be
12 open to the public.

13 (5) RULES.—

14 (A) QUORUM.—One-third of the members
15 of the Advisory Committee shall constitute a
16 quorum for conducting business of the Advisory
17 Committee.

18 (B) SUBCOMMITTEES.—To assist the Advi-
19 sory Committee in carrying out its functions,
20 the Chairperson may establish appropriate sub-
21 committees composed of members of the Advi-
22 sory Committee and other subject matter ex-
23 perts as the Chairperson considers necessary.

1 (C) ADDITIONAL RULES.—The Advisory
2 Committee may adopt such other rules as are
3 necessary to carry out its duties.

4 (6) CONSULTATION WITH NONMEMBERS.—The
5 Advisory Committee and the program offices for the
6 integrated public alert and warning system for the
7 United States shall regularly meet with groups that
8 are not represented on the Advisory Committee to
9 consider new and developing technologies that may
10 be beneficial to the public alert and warning system.
11 Such groups may include—

12 (A) the Defense Advanced Research
13 Projects Agency;

14 (B) entities engaged in federally funded re-
15 search; and

16 (C) academic institutions engaged in rel-
17 evant work and research.

18 (7) RECOMMENDATIONS.—The Advisory Com-
19 mittee shall develop recommendations for an inte-
20 grated public alert and warning system, including—

21 (A) recommendations for common alerting
22 and warning protocols, standards, terminology,
23 and operating procedures for the public alert
24 and warning system; and

1 (B) recommendations to provide for a pub-
2 lic alert and warning system that—

3 (i) has the capability to adapt the dis-
4 tribution and content of communications
5 on the basis of geographic location, risks,
6 or personal user preferences, as appro-
7 priate;

8 (ii) has the capability to alert and
9 warn individuals with disabilities and indi-
10 viduals with limited English proficiency;

11 (iii) incorporates multiple communica-
12 tions technologies;

13 (iv) is designed to adapt to, and incor-
14 porate, future technologies for commu-
15 nicating directly with the public;

16 (v) is designed to provide alerts to the
17 largest portion of the affected population
18 feasible, including nonresident visitors and
19 tourists, and improve the ability of remote
20 areas to receive alerts;

21 (vi) promotes local and regional public
22 and private partnerships to enhance com-
23 munity preparedness and response; and

24 (vii) provides redundant alert mecha-
25 nisms if practicable in order to reach the

1 greatest number of people regardless of
2 whether they have access to, or utilize, any
3 specific medium of communication or any
4 particular device.

5 (8) INITIAL AND ANNUAL REPORT.—Not later
6 than 1 year after the date of enactment of this Act,
7 the Advisory Committee shall submit to the Admin-
8 istrator, the Committee on Transportation and In-
9 frastructure and the Committee on Homeland Secu-
10 rity of the House of Representatives, and the Com-
11 mittee on Homeland Security and Governmental Af-
12 fairs of the Senate a report containing the rec-
13 ommendations of the Advisory Committee.

14 (9) FEDERAL ADVISORY COMMITTEE ACT.—
15 Neither the Federal Advisory Committee Act (5
16 U.S.C. App.) nor any rule, order, or regulation pro-
17 mulgated under that Act shall apply to the Advisory
18 Committee.

19 (10) TERMINATION.—The Advisory Committee
20 shall terminate not later than 3 years after the date
21 of enactment of this Act.

22 (d) LIMITATION ON STATUTORY CONSTRUCTION.—
23 Nothing in this section shall be construed to affect the
24 authority of the Department of Commerce or the Federal
25 Communications Commission.

1 **TITLE II—STAFFORD ACT AND**
2 **OTHER PROGRAMS**

3 **SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RES-**
4 **CUE RESPONSE SYSTEM.**

5 (a) IN GENERAL.—Title III of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act (42 U.S.C.
7 5141 et seq.) is amended by adding at the end the fol-
8 lowing:

9 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
10 **SPONSE SYSTEM.**

11 “(a) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) ADMINISTRATOR.—The term ‘Adminis-
14 trator’ means the Administrator of the Federal
15 Emergency Management Agency.

16 “(2) AGENCY.—The term ‘Agency’ means the
17 Federal Emergency Management Agency.

18 “(3) HAZARD.—The term ‘hazard’ has the
19 meaning given that term by section 602.

20 “(4) NON-EMPLOYEE SYSTEM MEMBER.—The
21 term ‘non-employee System member’ means a Sys-
22 tem member not employed by a sponsoring agency
23 or participating agency.

24 “(5) PARTICIPATING AGENCY.—The term ‘par-
25 ticipating agency’ means a State or local govern-

1 ment, nonprofit organization, or private organization
2 that has executed an agreement with a sponsoring
3 agency to participate in the System.

4 “(6) SPONSORING AGENCY.—The term ‘spon-
5 soring agency’ means a State or local government
6 that is the sponsor of a task force designated by the
7 Administrator to participate in the System.

8 “(7) SYSTEM.—The term ‘System’ means the
9 National Urban Search and Rescue Response Sys-
10 tem to be administered under this section.

11 “(8) SYSTEM MEMBER.—The term ‘System
12 member’ means an individual who is not a full-time
13 employee of the Federal Government and who serves
14 on a task force or on a System management or other
15 technical team.

16 “(9) TASK FORCE.—The term ‘task force’
17 means an urban search and rescue team designated
18 by the Administrator to participate in the System.

19 “(b) GENERAL AUTHORITY.—Subject to the require-
20 ments of this section, the Administrator shall continue to
21 administer the emergency response system known as the
22 National Urban Search and Rescue Response System.

23 “(c) FUNCTIONS.—In administering the System, the
24 Administrator shall provide for a national network of

1 standardized search and rescue resources to assist States
2 and local governments in responding to hazards.

3 “(d) TASK FORCES.—

4 “(1) DESIGNATION.—The Administrator shall
5 designate task forces to participate in the System.
6 The Administrator shall determine the criteria for
7 such participation.

8 “(2) SPONSORING AGENCIES.—Each task force
9 shall have a sponsoring agency. The Administrator
10 shall enter into an agreement with the sponsoring
11 agency with respect to the participation of each task
12 force in the System.

13 “(3) COMPOSITION.—

14 “(A) PARTICIPATING AGENCIES.—A task
15 force may include, at the discretion of the spon-
16 soring agency, 1 or more participating agencies.
17 The sponsoring agency shall enter into an
18 agreement with each participating agency of the
19 task force with respect to the participation of
20 the participating agency on the task force.

21 “(B) OTHER INDIVIDUALS.—A task force
22 may also include, at the discretion of the spon-
23 soring agency, other individuals not otherwise
24 associated with the sponsoring agency or a par-
25 ticipating agency of the task force. The spon-

1 soring agency of a task force may enter into a
2 separate agreement with each such individual
3 with respect to the participation of the indi-
4 vidual on the task force.

5 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The
6 Administrator shall maintain such management teams and
7 other technical teams as the Administrator determines are
8 necessary to administer the System.

9 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
10 FEDERAL SERVICE.—

11 “(1) IN GENERAL.—The Administrator may ap-
12 point a System member into Federal service for a
13 period of service to provide for the participation of
14 the System member in exercises, preincident staging,
15 major disaster and emergency response activities,
16 and training events sponsored or sanctioned by the
17 Administrator.

18 “(2) NONAPPLICABILITY OF CERTAIN CIVIL
19 SERVICE LAWS.—The Administrator may make ap-
20 pointments under paragraph (1) without regard to
21 the provisions of title 5, United States Code, gov-
22 erning appointments in the competitive service.

23 “(3) RELATIONSHIP TO OTHER AUTHORI-
24 TIES.—The authority of the Administrator to make
25 appointments under this subsection shall not affect

1 any other authority of the Administrator under this
2 Act.

3 “(4) LIMITATION.—A System member who is
4 appointed into Federal service under paragraph (1)
5 shall not be considered an employee of the United
6 States for purposes other than those specifically set
7 forth in this section.

8 “(g) COMPENSATION.—

9 “(1) PAY OF SYSTEM MEMBERS.—Subject to
10 such terms and conditions as the Administrator may
11 impose by regulation, the Administrator shall make
12 payments to the sponsoring agency of a task force—

13 “(A) to reimburse each employer of a Sys-
14 tem member on the task force for compensation
15 paid by the employer to the System member for
16 any period during which the System member is
17 appointed into Federal service under subsection
18 (f)(1); and

19 “(B) to make payments directly to a non-
20 employee System member on the task force for
21 any period during which the non-employee Sys-
22 tem member is appointed into Federal service
23 under subsection (f)(1).

24 “(2) REIMBURSEMENT FOR EMPLOYEES FILL-
25 ING POSITIONS OF SYSTEM MEMBERS.—

1 “(A) IN GENERAL.—Subject to such terms
2 and conditions as the Administrator may im-
3 pose by regulation, the Administrator shall
4 make payments to the sponsoring agency of a
5 task force to reimburse each employer of a Sys-
6 tem member on the task force for compensation
7 paid by the employer to an employee filling a
8 position normally filled by the System member
9 for any period during which the System mem-
10 ber is appointed into Federal service under sub-
11 section (f)(1).

12 “(B) LIMITATION.—Costs incurred by an
13 employer shall be eligible for reimbursement
14 under subparagraph (A) only to the extent that
15 the costs are in excess of the costs that would
16 have been incurred by the employer had the
17 System member not been appointed into Fed-
18 eral service under subsection (f)(1).

19 “(3) METHOD OF PAYMENT.—A System mem-
20 ber shall not be entitled to pay directly from the
21 Agency for a period during which the System mem-
22 ber is appointed into Federal service under sub-
23 section (f)(1).

24 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
25 DEATH.—

1 “(1) IN GENERAL.—A System member who is
2 appointed into Federal service under subsection
3 (f)(1) and who suffers personal injury, illness, dis-
4 ability, or death as a result of a personal injury sus-
5 tained while acting in the scope of such appointment
6 shall, for the purposes of subchapter I of chapter 81
7 of title 5, United States Code, be treated as though
8 the member were an employee (as defined by section
9 8101 of that title) who had sustained the injury in
10 the performance of duty.

11 “(2) ELECTION OF BENEFITS.—

12 “(A) IN GENERAL.—If a System member
13 (or, in the case of the death of the System
14 member, the System member’s dependent) is
15 entitled—

16 “(i) under paragraph (1) to receive
17 benefits under subchapter I of chapter 81
18 of title 5, United States Code, by reason of
19 personal injury, illness, disability, or death,
20 and

21 “(ii) to receive benefits from a State
22 or local government by reason of the same
23 personal injury, illness, disability, or death,

1 the System member or dependent shall elect to
2 receive either the benefits referred to in clause
3 (i) or (ii).

4 “(B) DEADLINE.—A System member or
5 dependent shall make an election of benefits
6 under subparagraph (A) not later than 1 year
7 after the date of the personal injury, illness,
8 disability, or death that is the reason for the
9 benefits or until such later date as the Sec-
10 retary of Labor may allow for reasonable cause
11 shown.

12 “(C) EFFECT OF ELECTION.—An election
13 of benefits made under this paragraph is irrev-
14 ovable unless otherwise provided by law.

15 “(3) REIMBURSEMENT FOR STATE OR LOCAL
16 BENEFITS.—Subject to such terms and conditions as
17 the Administrator may impose by regulation, in the
18 event that a System member or dependent elects
19 benefits from a State or local government under
20 paragraph (2)(A), the Administrator shall reimburse
21 the State or local government for the value of those
22 benefits.

23 “(i) LIABILITY.—A System member appointed into
24 Federal service under subsection (f)(1), while acting with-
25 in the scope of the appointment, is deemed an employee

1 of the Government under section 1346(b) of title 28,
2 United States Code, and chapter 171 of that title, relating
3 to tort claims procedure.

4 “(j) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—
5 With respect to a System member who is not a regular
6 full-time employee of a sponsoring agency or participating
7 agency, the following terms and conditions apply:

8 “(1) Service as a System member is deemed
9 ‘service in the uniformed services’ for purposes of
10 chapter 43 of title 38, United States Code, relating
11 to employment and reemployment rights of individ-
12 uals who have performed service in the uniformed
13 services (regardless of whether the individual re-
14 ceives compensation for such participation). All
15 rights and obligations of such persons and proce-
16 dures for assistance, enforcement, and investigation
17 shall be as provided for in such chapter.

18 “(2) Preclusion of giving notice of service by
19 necessity of appointment under this section is
20 deemed preclusion by ‘military necessity’ for pur-
21 poses of section 4312(b) of title 38, United States
22 Code, pertaining to giving notice of absence from a
23 position of employment. A determination of such ne-
24 cessity shall be made by the Administrator and shall
25 not be subject to judicial review.

1 “(k) LICENSES AND PERMITS.—If a System member
2 holds a valid license, certificate, or other permit issued by
3 any State or other governmental jurisdiction evidencing
4 the member’s qualifications in any professional, mechan-
5 ical, or other skill or type of assistance required by the
6 System, the System member is deemed to be performing
7 a Federal activity when rendering aid involving such skill
8 or assistance during a period of appointment into Federal
9 service under subsection (f)(1).

10 “(l) ADVISORY COMMITTEE.—

11 “(1) IN GENERAL.—The Administrator shall es-
12 tablish and maintain an advisory committee to pro-
13 vide expert recommendations to the Administrator in
14 order to assist the Administrator in administering
15 the System.

16 “(2) COMPOSITION.—The advisory committee
17 shall be composed of members from geographically
18 diverse areas, and shall include—

19 “(A) the chief officer or senior executive
20 from at least 3 sponsoring agencies;

21 “(B) the senior emergency manager from
22 at least 2 States that include sponsoring agen-
23 cies; and

24 “(C) at least 1 representative rec-
25 ommended by the leaders of the task forces.

1 “(3) INAPPLICABILITY OF TERMINATION RE-
2 QUIREMENT.—Section 14(a)(2) of the Federal Advi-
3 sory Committee Act (5 U.S.C. App.) shall not apply
4 to the advisory committee under this subsection.

5 “(m) PREPAREDNESS COOPERATIVE AGREE-
6 MENTS.—

7 “(1) IN GENERAL.—Subject to the availability
8 of appropriations for such purpose, the Adminis-
9 trator shall enter into an annual preparedness coop-
10 erative agreement with each sponsoring agency.
11 Amounts made available to a sponsoring agency
12 under such a preparedness cooperative agreement
13 shall be for the following purposes:

14 “(A) Training and exercises, including
15 training and exercises with other Federal,
16 State, and local government response entities.

17 “(B) Acquisition and maintenance of
18 equipment, including interoperable communica-
19 tions and personal protective equipment.

20 “(C) Medical monitoring required for re-
21 sponder safety and health in anticipation of and
22 following a major disaster, emergency, or other
23 hazard, as determined by the Administrator.

24 “(2) AVAILABILITY OF APPROPRIATIONS.—Not-
25 withstanding section 1552(b) of title 31, United

1 States Code, amounts made available for cooperative
2 agreements under this subsection that are not ex-
3 pended shall be deposited in an Agency account and
4 shall remain available for such agreements without
5 fiscal year limitation.

6 “(n) RESPONSE COOPERATIVE AGREEMENTS.—The
7 Administrator shall enter into a response cooperative
8 agreement with each sponsoring agency, as appropriate,
9 under which the Administrator agrees to reimburse the
10 sponsoring agency for costs incurred by the sponsoring
11 agency in responding to a major disaster or emergency.

12 “(o) OBLIGATIONS.—The Administrator may incur
13 all necessary obligations consistent with this section in
14 order to ensure the effectiveness of the System.

15 “(p) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There is authorized to be
17 appropriated to carry out the System and the provi-
18 sions of this section \$35,250,000 for each of fiscal
19 years 2012, 2013, and 2014.

20 “(2) ADMINISTRATIVE EXPENSES.—The Ad-
21 ministrator may use not to exceed 6 percent of the
22 funds appropriated for a fiscal year pursuant to
23 paragraph (1) for salaries, expenses, and other ad-
24 ministrative costs incurred by the Administrator in
25 carrying out this section.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) APPLICABILITY OF TITLE 5, UNITED
3 STATES CODE.—Section 8101(1) of title 5, United
4 States Code, is amended—

5 (A) in subparagraph (D) by striking “and”
6 at the end;

7 (B) by moving subparagraph (F) to appear
8 after subparagraph (E);

9 (C) in subparagraph (F)—

10 (i) by striking “United States Code,”;

11 and

12 (ii) by adding “and” at the end; and

13 (D) by inserting after subparagraph (F)
14 the following:

15 “(G) an individual who is a System mem-
16 ber of the National Urban Search and Rescue
17 Response System during a period of appoint-
18 ment into Federal service pursuant to section
19 327 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act;”.

21 (2) INCLUSION AS PART OF UNIFORMED SERV-
22 ICES FOR PURPOSES OF USERRA.—Section 4303 of
23 title 38, United States Code, is amended—

24 (A) in paragraph (13) by inserting “, a pe-
25 riod for which a System member of the Na-

1 tional Urban Search and Rescue Response Sys-
2 tem is absent from a position of employment
3 due to an appointment into Federal service
4 under section 327 of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act”
6 before “, and a period”; and

7 (B) in paragraph (16) by inserting after
8 “Public Health Service,” the following: “System
9 members of the National Urban Search and
10 Rescue Response System during a period of ap-
11 pointment into Federal service under section
12 327 of the Robert T. Stafford Disaster Relief
13 and Emergency Assistance Act,”.

14 **SEC. 202. REAUTHORIZATION OF EMERGENCY MANAGE-**
15 **MENT ASSISTANCE COMPACT GRANTS.**

16 (a) IN GENERAL.—Subtitle A of title VI of the Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5196 et seq.) is amended by adding at
19 the end the following:

20 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
21 **PACT GRANTS.**

22 “(a) IN GENERAL.—The Administrator of the Fed-
23 eral Emergency Management Agency may make grants to
24 provide for implementation of the Emergency Manage-
25 ment Assistance Compact consented to by Congress in the

1 joint resolution entitled ‘Joint resolution granting the con-
2 sent of Congress to the Emergency Management Assist-
3 ance Compact’ (Public Law 104–321; 110 Stat. 3877).

4 “(b) ELIGIBLE GRANT RECIPIENTS.—States and the
5 Administrator of the Emergency Management Assistance
6 Compact shall be eligible to receive grants under sub-
7 section (a).

8 “(c) USE OF FUNDS.—A grant received under this
9 section shall be used—

10 “(1) to carry out recommendations identified in
11 the Emergency Management Assistance Compact
12 after-action reports for the 2004 and 2005 hurricane
13 seasons;

14 “(2) to administer compact operations on behalf
15 of States, as such term is defined in the compact,
16 that have enacted the compact;

17 “(3) to continue coordination with the Federal
18 Emergency Management Agency and appropriate
19 Federal agencies;

20 “(4) to continue coordination with States and
21 local governments and their respective national orga-
22 nizations; and

23 “(5) to assist State and local governments,
24 emergency response providers, and organizations
25 representing such providers with credentialing the

1 providers and the typing of emergency response re-
2 sources.

3 “(d) COORDINATION.—The Administrator of the
4 Federal Emergency Management Agency shall consult
5 with the Administrator of the Emergency Management
6 Assistance Compact to ensure effective coordination of ef-
7 forts in responding to requests for assistance.

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$2,000,000 for each of the fiscal years 2012, 2013, and
11 2014. Such sums shall remain available until expended.”.

12 (b) REPEAL.—Section 661 of the Post-Katrina
13 Emergency Management Reform Act of 2006 (6 U.S.C.
14 761) is repealed.

15 **SEC. 203. DISPOSAL OF EXCESS PROPERTY TO ASSIST**
16 **OTHER DISASTER SURVIVORS.**

17 Title III of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act as amended by this Act
19 is further amended by adding at the end the following:

20 **“SEC. 328. DISPOSAL OF EXCESS MATERIALS, SUPPLIES,**
21 **AND EQUIPMENT.**

22 “(a) IN GENERAL.—Notwithstanding any other pro-
23 vision of law, if the President determines that materials,
24 supplies, or equipment acquired by the President pursuant
25 to title IV or V for response or recovery efforts in connec-

1 tion with a major disaster or emergency are in excess of
2 the amount needed for those efforts, the President may
3 transfer the excess materials, supplies, or equipment di-
4 rectly to a State, local government, or relief or disaster
5 assistance organization for the purpose of—

6 “(1) assisting disaster survivors in other major
7 disasters and emergencies; and

8 “(2) assisting survivors in incidents caused by
9 a hazard that do not result in a declaration of a
10 major disaster or emergency if the Governor of the
11 affected State certifies that—

12 “(A) there is an urgent need for the mate-
13 rials, supplies, or equipment; and

14 “(B) the State is unable to provide the ma-
15 terials, supplies, or equipment in a timely man-
16 ner.

17 “(b) HAZARD DEFINED.—In this section, the term
18 ‘hazard’ has the meaning given that term by section
19 602.”.

20 **SEC. 204. STORAGE, SALE, TRANSFER, AND DISPOSAL OF**
21 **HOUSING UNITS.**

22 (a) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) ADMINISTRATOR.—The term “Adminis-
25 trator” means the Administrator of FEMA.

1 (2) EMERGENCY; MAJOR DISASTER.—The terms
2 “emergency” and “major disaster” have the mean-
3 ings given such terms in section 102 of the Stafford
4 Act (42 U.S.C. 5122).

5 (3) FEMA.—The term “FEMA” means the
6 Federal Emergency Management Agency.

7 (4) HAZARD.—The term “hazard” has the
8 meaning given such term in section 602 of the Staf-
9 ford Act (42 U.S.C. 5195a).

10 (5) STAFFORD ACT.—The term “Stafford Act”
11 means the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

13 (b) NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-
14 TERIA.—Not later than 90 days after the date of enact-
15 ment of this Act, the Administrator shall complete an as-
16 sessment to determine the number of temporary housing
17 units that FEMA needs to maintain in stock to respond
18 appropriately to emergencies or major disasters occurring
19 after the date of enactment of this Act.

20 (c) PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall establish a plan and guidelines for—

24 (A) storing the number of temporary hous-
25 ing units that FEMA needs to maintain in

1 stock, as determined by the Administrator
2 under subsection (b); and

3 (B) selling, transferring, donating, or oth-
4 erwise disposing of the temporary housing units
5 in the inventory of FEMA that are in excess of
6 the number of temporary housing units that
7 FEMA needs to maintain in stock, as deter-
8 mined by the Administrator under subsection
9 (b).

10 (2) REPORT.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of enactment of this Act
13 and annually thereafter, the Administrator shall
14 submit to the Committee on Transportation and
15 Infrastructure of the House of Representatives
16 and the Committee on Homeland Security and
17 Governmental Affairs of the Senate a report on
18 the actions that the Administrator has taken to
19 establish and implement the plan and guidelines
20 established under paragraph (1).

21 (B) REQUIRED INFORMATION.—In each
22 report submitted under subparagraph (A), the
23 Administrator shall document the number of
24 temporary housing units remaining in the in-
25 ventory of FEMA and the number of units sold,

1 transferred, donated, and otherwise disposed of
2 pursuant to this section.

3 (3) UPDATE.—The Administrator shall update
4 the plan established under paragraph (1) as nec-
5 essary to ensure that the Administrator maintains in
6 the inventory of FEMA only those temporary hous-
7 ing units that are needed to respond appropriately
8 to emergencies or major disasters.

9 (d) TRANSFER OF TEMPORARY HOUSING UNITS TO
10 STATES.—

11 (1) IN GENERAL.—Notwithstanding section
12 408(d)(2) of the Stafford Act (42 U.S.C.
13 5174(d)(2)), and subject to the requirements of
14 paragraph (2), the Administrator may transfer or
15 donate to States, on a priority basis, pursuant to
16 subsection (c)(1)(B), excess temporary housing units
17 in the inventory of FEMA.

18 (2) STATE REQUESTS.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date of enactment of this Act, a
21 State may submit to the Administrator a re-
22 quest to receive excess temporary housing units
23 under paragraph (1).

1 (B) ELIGIBILITY.—A State shall be eligible
2 to receive excess temporary housing units under
3 paragraph (1) if the State agrees—

4 (i) to use the units to provide tem-
5 porary housing to survivors of incidents
6 that are caused by hazards and that the
7 Governor of the State determines require
8 State assistance;

9 (ii) to pay to store and maintain the
10 units;

11 (iii) in the event of a major disaster
12 or emergency declared for the State by the
13 President under the Stafford Act, to make
14 the units available to the President or to
15 use the units to provide housing directly to
16 survivors of the major disaster or emer-
17 gency in the State;

18 (iv) to comply with the nondiscrimina-
19 tion provisions of section 308 of the Staf-
20 ford Act (42 U.S.C. 5151); and

21 (v) to obtain and maintain hazard and
22 flood insurance on the units.

23 (C) INCIDENTS.—The incidents referred to
24 in subparagraph (B)(i) may include incidents
25 that do not result in a declaration of a major

1 disaster or emergency by the President under
2 the Stafford Act.

3 (3) DISTRIBUTION.—

4 (A) ESTABLISHMENT OF PROCESS.—The
5 Administrator shall establish a process—

6 (i) to review requests submitted by
7 States under paragraph (2); and

8 (ii) to distribute excess temporary
9 housing units that are in the inventory of
10 FEMA.

11 (B) ALLOCATION.—If the number of tem-
12 porary housing units requested by States under
13 paragraph (2) exceeds the number of excess
14 temporary housing units available, the Adminis-
15 trator shall allocate the available units among
16 the States that have submitted a request.

17 (4) REMAINING TEMPORARY HOUSING UNITS.—
18 Temporary housing units that are not transferred or
19 donated under paragraph (1) shall be sold, trans-
20 ferred, donated, or otherwise disposed of subject to
21 the requirements of section 408(d)(2) of the Staf-
22 ford Act (42 U.S.C. 5174(d)(2)) and other applica-
23 ble provisions of law.

24 (5) LIMITATION ON STATUTORY CONSTRUC-
25 TION.—Nothing in this section shall be construed to

1 affect section 689k of the Post-Katrina Emergency
2 Management Reform Act of 2006 (120 Stat. 1456).
3 For purposes of that section, a transfer or donation
4 to a State of a temporary housing unit under para-
5 graph (1) shall be treated as a disposal to house in-
6 dividuals or households under section 408 of the
7 Stafford Act (42 U.S.C. 5174).

8 **SEC. 205. OTHER METHODS OF DISPOSAL.**

9 Section 408(d)(2)(B) of the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act (42 U.S.C.
11 5174(d)(2)(B)) is amended—

12 (1) in clause (i) by striking “or”;

13 (2) in clause (ii) by striking the period at the
14 end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(iii) may be sold, transferred, or do-
17 nated directly to a State or other govern-
18 mental entity or to a voluntary organiza-
19 tion for the sole purpose of providing tem-
20 porary housing to disaster victims in disas-
21 ters and incidents caused by a hazard (as
22 such term is defined in section 602) that
23 do not result in a declaration of a major
24 disaster or emergency if, as a condition of
25 the sale, transfer, or donation, the State,

1 other governmental agency, or voluntary
2 organization agrees—

3 “(I) to comply with the non-
4 discrimination provisions of section
5 308; and

6 “(II) to obtain and maintain haz-
7 ard and flood insurance for the hous-
8 ing units.”.

9 **SEC. 206. ESTABLISHMENT OF CRITERIA RELATING TO AD-**
10 **MINISTRATION OF HAZARD MITIGATION AS-**
11 **SISTANCE BY STATES.**

12 Not later than 180 days after the date of enactment
13 of this Act, the President shall establish the criteria re-
14 quired under section 404(c)(2) of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act (42 U.S.C.
16 5170c(c)(2)).

17 **SEC. 207. REVIEW OF REGULATIONS AND POLICIES.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the President, acting
20 through the Administrator of the Federal Emergency
21 Management Agency, shall review regulations and policies
22 relating to Federal disaster assistance to eliminate regula-
23 tions the President determines are no longer relevant, to
24 harmonize contradictory regulations, and to simplify and
25 expedite disaster recovery and assistance.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the President shall transmit to
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on
5 Homeland Security and Governmental Affairs of the Sen-
6 ate a report describing changes made to regulations as a
7 result of the review required under subsection (a), together
8 with any legislative recommendations relating thereto.

9 (c) STATE HAZARD MITIGATION PLANS.—The Presi-
10 dent, acting through the Administrator, shall revise regu-
11 lations related to the submission of State Hazard Mitiga-
12 tion Plans to extend the hazard mitigation planning cycle
13 to every 5 years, consistent with local planning cycles.

14 **SEC. 208. APPEALS PROCESS.**

15 Section 423(b) of the Robert T. Stafford Disaster Re-
16 lief and Emergency Assistance Act (42 U.S.C. 5189a(b))
17 is amended to read as follows:

18 “(b) PERIOD FOR DECISION.—

19 “(1) IN GENERAL.—A decision regarding an ap-
20 peal under subsection (a) shall be rendered within
21 60 days after the date on which the Federal official
22 designated to administer such appeal receives notice
23 of such appeal.

24 “(2) FAILURE TO SATISFY DEADLINE.—If the
25 Federal official fails to satisfy the requirement

1 under paragraph (1), the Federal official shall pro-
2 vide a written explanation of such failure to the ap-
3 plicant. The President, acting through the Adminis-
4 trator of the Federal Emergency Management Agen-
5 cy, shall transmit quarterly to the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives and the Committee on Homeland
8 Security and Governmental Affairs of the Senate a
9 report on such failures.”.

10 **SEC. 209. IMPLEMENTATION OF COST ESTIMATING.**

11 Not later than 180 days after the date of enactment
12 of this Act, the President, acting through the Adminis-
13 trator of the Federal Emergency Management Agency,
14 shall issue and begin to implement the regulations re-
15 quired by section 406(e)(3)(C) of the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act (42 U.S.C.
17 5172(e)(3)(C)) to provide for cost estimation procedures
18 that expedite recovery and to reduce the costs and time
19 for completion of recovery projects through the creation
20 of financial and performance incentives.

1 **SEC. 210. TRIBAL REQUESTS FOR A MAJOR DISASTER OR**
2 **EMERGENCY DECLARATION UNDER THE**
3 **STAFFORD ACT.**

4 (a) MAJOR DISASTER REQUESTS.—Section 401 of
5 the Robert T. Stafford Disaster Relief and Emergency As-
6 sistance Act (42 U.S.C. 5170) is amended—

7 (1) by striking “All requests for a declaration”
8 and inserting “(a) IN GENERAL.—All requests for a
9 declaration”; and

10 (2) by adding at the end the following:

11 “(b) INDIAN TRIBAL GOVERNMENT REQUESTS.—

12 “(1) IN GENERAL.—The Chief Executive of an
13 affected Indian tribal government may submit a re-
14 quest for a declaration by the President that a
15 major disaster exists consistent with the require-
16 ments of subsection (a).

17 “(2) REFERENCES.—In implementing assist-
18 ance authorized by the President under this Act in
19 response to a request of the Chief Executive of an
20 affected Indian tribal government for a major dis-
21 aster declaration, any reference in this title or sec-
22 tion 319 to a State or the Governor of a State is
23 deemed to refer to an affected Indian tribal govern-
24 ment or the Chief Executive of an affected Indian
25 tribal government, as appropriate.

1 “(3) SAVINGS PROVISION.—Nothing in this sub-
2 section shall prohibit an Indian tribal government
3 from receiving assistance under this title through a
4 declaration made by the President at the request of
5 a State under subsection (a) if the President does
6 not make a declaration under this subsection for the
7 same incident.

8 “(c) COST SHARE ADJUSTMENTS FOR INDIAN TRIB-
9 AL GOVERNMENTS.—

10 “(1) IN GENERAL.—In providing assistance to
11 an Indian tribal government under this title, the
12 President may waive or adjust any payment of a
13 non-Federal contribution with respect to the assist-
14 ance if—

15 “(A) the President has the authority to
16 waive or adjust the payment under another pro-
17 vision of this title; and

18 “(B) the President determines that the
19 waiver or adjustment is necessary and appro-
20 priate.

21 “(2) CRITERIA FOR MAKING DETERMINA-
22 TIONS.—The President shall establish criteria for
23 making determinations under paragraph (1)(B).”.

24 (b) EMERGENCY REQUESTS.—Section 501 of the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5191) is amended by adding at the
2 end the following:

3 “(c) INDIAN TRIBAL GOVERNMENT REQUESTS.—

4 “(1) IN GENERAL.—The Chief Executive of an
5 affected Indian tribal government may submit a re-
6 quest for a declaration by the President that an
7 emergency exists consistent with the requirements of
8 subsection (a).

9 “(2) REFERENCES.—In implementing assist-
10 ance authorized by the President under this title in
11 response to a request of the Chief Executive of an
12 affected Indian tribal government for an emergency
13 declaration, any reference in this title or section 319
14 to a State or the Governor of a State shall be
15 deemed to refer to an affected Indian tribal govern-
16 ment or the Chief Executive of an affected Indian
17 tribal government, as appropriate.

18 “(3) SAVINGS PROVISION.—Nothing in this sub-
19 section shall prohibit an Indian tribal government
20 from receiving assistance under this title through a
21 declaration made by the President at the request of
22 a State under subsection (a) if the President does
23 not make a declaration under this subsection for the
24 same incident.”.

1 (c) DEFINITIONS.—Section 102 of the Robert T.
2 Stafford Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5122) is amended—

4 (1) in paragraph (7)(B) by striking “; and” and
5 inserting “, that is not an Indian tribal government
6 as defined in paragraph (6); and”;

7 (2) by redesignating paragraphs (6) through
8 (10) as paragraphs (7) through (11), respectively;

9 (3) by inserting after paragraph (5) the fol-
10 lowing:

11 “(6) INDIAN TRIBAL GOVERNMENT.—The term
12 ‘Indian tribal government’ means the governing body
13 of any Indian or Alaska Native tribe, band, nation,
14 pueblo, village, or community that the Secretary of
15 the Interior acknowledges to exist as an Indian tribe
16 under the Federally Recognized Indian Tribe List
17 Act of 1994 (25 U.S.C. 479a et seq.)”; and

18 (4) by adding at the end the following:

19 “(12) CHIEF EXECUTIVE.—The term ‘Chief Ex-
20 ecutive’ means the person who is recognized by the
21 Secretary of the Interior as the chief elected admin-
22 istrative officer of an Indian tribal government.”.

23 (d) REFERENCES.—Title I of the Robert T. Stafford
24 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5121 et seq.) is amended by adding after section 102 the
2 following:

3 **“SEC. 103. REFERENCES.**

4 “Except as otherwise specifically provided, any ref-
5 erence in this Act to ‘State and local’, ‘State or local’, or
6 ‘State, local’ with respect to governments or officials and
7 any reference to a ‘local government’ in section 417 is
8 deemed to refer also to Indian tribal governments and offi-
9 cials, as appropriate.”.

10 (e) REGULATIONS.—

11 (1) ISSUANCE.—The President shall issue regu-
12 lations to carry out the amendments made by this
13 section.

14 (2) FACTORS.—In issuing the regulations, the
15 President shall consider the unique conditions that
16 affect the general welfare of Indian tribal govern-
17 ments.

18 **SEC. 211. INDIVIDUAL ASSISTANCE FACTORS.**

19 In order to provide more objective criteria for evalu-
20 ating the need for assistance to individuals and to speed
21 a declaration of a major disaster or emergency under the
22 Robert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5121 et seq.), not later than 1 year
24 after the date of enactment of this Act, the Administrator
25 of the Federal Emergency Management Agency, in co-

1 operation with representatives of State, tribal, and local
2 emergency management agencies, shall review, update,
3 and revise through rulemaking the factors considered
4 under section 206.48 of title 44, Code of Federal Regula-
5 tions (including section 206.48(b)(2) of such title relating
6 to trauma and the specific conditions or losses that con-
7 tribute to trauma), to measure the severity, magnitude,
8 and impact of a disaster.

9 **SEC. 212. PUBLIC ASSISTANCE PILOT PROGRAM.**

10 (a) PILOT PROGRAM.—

11 (1) IN GENERAL.—The President, acting
12 through the Administrator of the Federal Emer-
13 gency Management Agency, and in coordination with
14 States, tribal and local governments, and owners or
15 operators of private non-profit facilities, shall estab-
16 lish and conduct a pilot program to—

17 (A) reduce the costs to the Government of
18 providing assistance to States, tribal and local
19 governments, and owners or operators of pri-
20 vate non-profit facilities under section 406 of
21 the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5172)
23 (referred to in this section as the “Act”);

24 (B) increase flexibility in the administra-
25 tion of section 406 of such Act; and

1 (C) expedite the provision of assistance to
2 States, tribal, and local governments provided
3 under section 406 of the Act.

4 (2) PARTICIPATION.—Only States, tribal and
5 local governments, and owners or operators of pri-
6 vate non-profit facilities that elect to participate in
7 the pilot program may participate in the pilot pro-
8 gram for their projects.

9 (3) ADMINISTRATION.—

10 (A) IN GENERAL.—For the purposes of the
11 pilot program, the Administrator shall establish
12 new procedures to administer assistance pro-
13 vided under section 406 of the Act.

14 (B) NEW PROCEDURES.—The new proce-
15 dures established under subparagraph (A) shall
16 include—

17 (i) making grants on the basis of esti-
18 mates agreed to by the State, tribal, or
19 local government, or owner or operator of
20 a private non-profit facility and the Ad-
21 ministrator to provide financial incentives
22 and disincentives for the State, tribal, or
23 local government, or owner or operator of
24 a private non-profit facility for the timely

1 and cost-effective completion of projects
2 under section 406 of the Act;

3 (ii) notwithstanding sections
4 406(c)(1)(A) and 406(c)(2)(A) of the Act,
5 providing an option for a State, tribal, or
6 local government, or owner or operator of
7 a private non-profit facility to elect to re-
8 ceive an in-lieu contribution, without re-
9 duction, on the basis of estimates of the
10 cost of repair, restoration, reconstruction,
11 or replacement of a public facility owned or
12 controlled by the State, tribal, or local gov-
13 ernment and of management expenses;

14 (iii) consolidating, to the extent deter-
15 mined appropriate by the Administrator,
16 the facilities of a State, tribal, or local gov-
17 ernment, or owner or operator of a private
18 nonprofit facility as a single project based
19 upon the estimates established under the
20 pilot procedures; and

21 (iv) notwithstanding any other provi-
22 sion of law, if the actual costs of a project
23 completed under the pilot procedures are
24 less than the estimated costs thereof, the
25 Administrator may permit a grantee or sub

1 grantee to use all or part of the excess
2 funds for cost-effective activities that re-
3 duce the risk of future damage, hardship,
4 or suffering from a major disaster.

5 (4) WAIVER.—The Administrator may waive
6 such regulations or rules applicable to the provisions
7 of assistance in section 406 of the Act as the Ad-
8 ministrator determines are necessary to carry out
9 the pilot program under this section.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than October 31,
12 2015, the Administrator shall submit to the Com-
13 mittee on Transportation and Infrastructure of the
14 House of Representatives and the Committee on
15 Homeland Security and Governmental Affairs of the
16 Senate a report regarding the effectiveness of the
17 pilot program under this section.

18 (2) CONTENTS.—The report submitted under
19 paragraph (1) shall include—

20 (A) an assessment by the Administrator of
21 any administrative or financial benefits of the
22 pilot program;

23 (B) an assessment by the Administrator of
24 the effect, including any savings in time and
25 cost, of the pilot program;

1 (C) any other findings and conclusions of
2 the Administrator with respect to the pilot pro-
3 gram; and

4 (D) any recommendations of the Adminis-
5 trator for additional authority to continue or
6 make permanent the pilot program.

7 (c) DEADLINE FOR INITIATION OF IMPLEMENTA-
8 TION.—Not later than 90 days after the date of enactment
9 of this Act, the Administrator shall begin implementation
10 of the pilot program under this section.

11 (d) PILOT PROGRAM DURATION.—The Administrator
12 may not approve a project under the pilot program under
13 this section after December 31, 2014.

14 **SEC. 213. PUBLIC ASSISTANCE DEBRIS REMOVAL PROCE-**
15 **DURES.**

16 (a) IN GENERAL.—The President, acting through the
17 Administrator of the Federal Emergency Management
18 Agency, shall establish new procedures to administer as-
19 sistance for debris and wreckage removal provided under
20 sections 403(a)(3)(A), 407, and 502(a)(5) of the Robert
21 T. Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5170b(a)(3)(A), 5173, and 5192(a)(5)).

23 (b) NEW PROCEDURES.—The new procedures estab-
24 lished under subsection (a) may include—

1 (1) making grants on the basis of fixed esti-
2 mates to provide financial incentives and disincen-
3 tives for the timely or cost effective completion of
4 projects under sections 403(a)(3)(A), 407, and
5 502(a)(5) of such Act if the State, tribal, or local
6 government, or owner or operator of the private non-
7 profit facility agrees to be responsible to pay for any
8 actual costs that exceed the estimate;

9 (2) using a sliding scale for the Federal share
10 for removal of debris and wreckage based on the
11 time it takes to complete debris and wreckage re-
12 moval;

13 (3) allowing utilization of program income from
14 recycled debris without offset to grant amount;

15 (4) reimbursing base and overtime wages for
16 employees and extra hires of a State, tribal, or local
17 government, or owner or operator of a private non-
18 profit facility performing or administering debris
19 and wreckage removal; and

20 (5) notwithstanding any other provision of law,
21 if the actual costs of projects under subsection
22 (b)(1) are less than the estimated costs thereof, the
23 Administrator may permit a grantee or sub grantee
24 to use all or part of the excess funds for any of the
25 following purposes:

1 (A) Debris management planning.

2 (B) Acquisition of debris management
3 equipment for current or future use.

4 (C) Other activities to improve future de-
5bris removal operations, as determined by the
6 Administrator.

7 **SEC. 214. USE OF FUNDS.**

8 Unless otherwise specified in this Act, the Adminis-
9trator of the Federal Emergency Management Agency
10 shall use amounts authorized pursuant to section 699 of
11 the Post-Katrina Emergency Management Reform Act of
12 2006 (6 U.S.C. 811) for reviews, reports, and studies in-
13 cluded in this Act.

14 **SEC. 215. REDUCTION OF AUTHORIZATION FOR EMER-**
15 **GENCY MANAGEMENT PERFORMANCE**
16 **GRANTS.**

17 Section 662(f)(5) of the Post-Katrina Emergency
18 Management Reform Act of 2006 (6 U.S.C. 762) is
19 amended by striking “\$950,000,000” and inserting
20 “\$946,600,000”.

21 **SEC. 216. TECHNICAL CORRECTION.**

22 Section 202(c) of the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C. 5132(c))
24 is amended by striking “section 611(c)” and inserting
25 “section 611(d)”.

1 **SEC. 217. NATIONAL DAM SAFETY PROGRAM ACT REAU-**
2 **THORIZATION.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Dam Safety Act of 2012”.

5 (b) **PURPOSE.**—The purpose of this section is to re-
6 duce the risks to life and property from dam failure in
7 the United States through the reauthorization of an effec-
8 tive national dam safety program that brings together the
9 expertise and resources of Federal and non-Federal com-
10 munities in achieving national dam safety hazard reduc-
11 tion.

12 (c) **AMENDMENTS TO THE NATIONAL DAM SAFETY**
13 **PROGRAM ACT.**—

14 (1) **ADMINISTRATOR.**—

15 (A) **IN GENERAL.**—The National Dam
16 Safety Program Act (33 U.S.C. 467 et seq.) is
17 amended by striking “Director” each place it
18 appears and inserting “Administrator”.

19 (B) **CONFORMING AMENDMENT.**—Section
20 2(3) of such Act (33 U.S.C. 467(3)) is amend-
21 ed in the paragraph heading by striking “DI-
22 RECTOR” and inserting “ADMINISTRATOR”.

23 (2) **INSPECTION OF DAMS.**—Section 3(b)(1) of
24 such Act (33 U.S.C. 467a(b)(1)) is amended by
25 striking “or maintenance” and inserting “mainte-

1 nance, condition, or provision for emergency oper-
2 ations”.

3 (3) NATIONAL DAM SAFETY PROGRAM.—

4 (A) OBJECTIVES.—Section 8(c)(4) of such
5 Act (33 U.S.C. 467f(c)(4)) is amended to read
6 as follows:

7 “(4) develop and implement a comprehensive
8 dam safety hazard education and public awareness
9 program to assist the public in mitigating against,
10 preparing for, responding to, and recovering from
11 dam incidents;”.

12 (B) BOARD.—Section 8(f)(4) of such Act
13 (33 U.S.C. 467f(f)(4)) is amended by inserting
14 “, representatives from nongovernmental orga-
15 nizations,” after “State agencies”.

16 (4) AUTHORIZATION OF APPROPRIATIONS.—

17 (A) NATIONAL DAM SAFETY PROGRAM.—

18 (i) ANNUAL AMOUNTS.—Section
19 13(a)(1) of such Act (33 U.S.C.
20 467j(a)(1)) is amended by striking
21 “\$6,500,000 for fiscal year 2007,
22 \$7,100,000 for fiscal year 2008,
23 \$7,600,000 for fiscal year 2009,
24 \$8,300,000 for fiscal year 2010, and
25 \$9,200,000 for fiscal year 2011” and in-

1 serting “\$8,024,000 for each of fiscal
2 years 2012 through 2015”.

3 (ii) MAXIMUM AMOUNT OF ALLOCA-
4 TION.—

5 (I) IN GENERAL.—Section
6 13(a)(2)(B) of such Act (33 U.S.C.
7 467j(a)(2)(B)) is amended by striking
8 “50 percent of the reasonable cost of
9 implementing the State dam safety
10 program” and inserting “the amount
11 of funds committed by the State to
12 implement dam safety program activi-
13 ties”.

14 (II) APPLICABILITY.—The
15 amendment made by subclause (I)
16 shall apply to fiscal year 2013 and
17 each fiscal year thereafter.

18 (B) NATIONAL DAM INVENTORY.—Section
19 13(b) of such Act (33 U.S.C. 467j(b)) is
20 amended by striking “\$650,000 for fiscal year
21 2007, \$700,000 for fiscal year 2008, \$750,000
22 for fiscal year 2009, \$800,000 for fiscal year
23 2010, and \$850,000 for fiscal year 2011” and
24 inserting “\$383,000 for each of fiscal years
25 2012 through 2015”.

1 (C) RESEARCH.—Section 13(e) of such Act
2 (33 U.S.C. 467j(e)) is amended by striking
3 “\$1,600,000 for fiscal year 2007, \$1,700,000
4 for fiscal year 2008, \$1,800,000 for fiscal year
5 2009, \$1,900,000 for fiscal year 2010, and
6 \$2,000,000 for fiscal year 2011” and inserting
7 “\$1,000,000 for each of fiscal years 2012
8 through 2015”.

9 (D) DAM SAFETY TRAINING.—Section
10 13(d) of such Act (33 U.S.C. 467j(d)) is
11 amended by striking “\$550,000 for fiscal year
12 2007, \$600,000 for fiscal year 2008, \$650,000
13 for fiscal year 2009, \$700,000 for fiscal year
14 2010, and \$750,000 for fiscal year 2011” and
15 inserting “\$750,000 for each of fiscal years
16 2012 through 2015”.

17 (E) STAFF.—Section 13(e) of such Act (33
18 U.S.C. 467j(e)) is amended by striking
19 “\$700,000 for fiscal year 2007, \$800,000 for
20 fiscal year 2008, \$900,000 for fiscal year 2009,
21 \$1,000,000 for fiscal year 2010, and
22 \$1,100,000 for fiscal year 2011” and inserting
23 “\$436,000 for each of fiscal years 2012
24 through 2015”.